IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

W.A. No.3131 of 2002

H.Anraj .. Appellant/Petitioner

-vs-

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

3. The Thasildar
Kancheepuram District,
Kancheepuram. .. Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order made in W.P.34160 of 2002 dated 03.09.2002.

Petition filed under Article 226 of the Constitution praying that in the circumstances stated therein and in the affidavit filed in support thereof the High Court will be pleased to issue a writ of mandamus forbearing the respondents their men, agents, servants from evicting the petitioner from the lands comprised in S.No. 199 measuring about 1.09.5 hectares of Illuppapattu village except under the process of law as contemplated under the land encroachment Act.

For Appellant : Mr.AR.L.Sundaresan,S.C.
For Ms.AL.Ganthimathi

For Respondents : Mr.K.Elango, Spl.G.P.

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J U D G M E N T

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 03.09.2002 made in W.P.No.34160 of 2002, in and by which the learned Judge after finding no merit in the writ petition, dismissed the same.

2. Heard the learned Senior Counsel for the appellant as well as the learned Special Government Pleader for the respondents.

3. Even at the outset, learned Special Government Pleader by drawing our attention to the sketch prepared by the Tahsildar, Kancheepuram submitted that the appellant/writ petitioner is not in possession of any of the land as claimed by him. In addition to the same, he also produced a report of the Tahsildar dated 11.01.2007 which shows that he inspected the site in question on 10.01.2007. It further shows that as on today, Survey No.199/2 stands sub-divided as follows:

> "Item No.1: Survey No.199/1 admeasuring 0.07.5 hectares stands in the name of Government poramboke (Medu) and it has been encroached by the National Highways by way of road by the National Highways. The alienation to National Highways by the Court is pending.
>
> Item No.2: Survey No.199/2 admeasuring 0.37.5 hectares has been classified as Medu and it has been encroached by the National Highways by way of culvert slabs for draining the rain water. The alienation to National Highways by the Government is pending.
>
> Item No.3: Survey No.199/3 admeasuring 0.72.0 hectares has been classified as Village Site (Grama Natham) which is meant only for residential purposes and not for cultivation.
>
> As per the records, the same has been earmarked for the purpose of Centre for Rehabilitation to Disordered and Mentally Retarded People. As per the present market value of the lands, this land, which is situated very near to the National Highways, is worth about Rs.1 crore. Hence this Government land cannot be allowed to be encroached by any person and cannot be given to an individual such as the petitioner.
>
> The possession of the above said lands had been taken long back from the encroachers and from the petitioners."

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4. Learned Senior Counsel appearing for the appellant disputes the claim of the Tahsildar and submits that even otherwise, an opportunity may be given to the appellant to make a representation to the authority concerned.

5. Taking note of the specific stand taken by the Tahsildar, Kancheepuram as seen from the sketch and the report, we are not inclined to interfere with the order of the learned Judge. However as requested by the learned Senior Counsel for the appellant, the appellant is permitted to make a representation to the first respondent – District Collector, Kancheepuram District and highlight his grievance, if any. It is further made clear that if any such representation is made within a period of two weeks from the date of receipt of a copy of this order, the first respondent is directed to consider and dispose of the same within a period of eight weeks thereafter. With the above observation, the writ appeal is disposed of. No costs.

gms

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

3. The Thasildar
Kancheepuram District,
Kancheepuram.

+ 1 cc to Mrs. A. L. Ganthimathi, Advocate SR No.3882
+ 1 cc to the Government Pleader, SR No.3749

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BV(CO)
SR/29.1.2007

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